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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/069,419	04/29/1998	SHIGEO YOSHIDA	1232-4440	3366

7590 05/24/2004

MORGAN & FINNEGAN  
345 PARK AVENUE  
NEW YORK, NY 10154

EXAMINER
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MOE, AUNG SOE

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 05/24/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/069,419

Applicant(s)

YOSHIDA, SHIGEO

Examiner

Aung S. Moe

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 05 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 and 30-51 is/are pending in the application.
- 4a) Of the above claim(s) 33-51 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 30-32 is/are allowed.
- 6) ☐ Claim(s) 1-4 and 7-10 is/are rejected.
- 7) ☒ Claim(s) 5 and 6 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, and 7-10 are have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson '442 in view of Roberts et al. (U.S. 6,094,219).

**Regarding claim 1**, Swanson '442 discloses an electronic apparatus (i.e., noted the camera system 100 as shown in Figs. 1/5) comprising: image pickup means (the CCD video camera 12) for photographing an object and outputting an image signal; memory control means (Figs. 1, the element 44) for allowing said image signal to be stored into image memory means (18/92); and

selecting means for automatically selecting one of image signals stored in said in said image memory means when said memory control means decides that the photographing is

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impossible in a photographing mode of said image pickup means (12) because a required amount of said image memory means (18) for the photographing in said photographing mode is not available (i.e., the data management device 44 is capable of automatically selecting the stored image data from the memory 18 for transmitting if available space in the data storage device 18 reaches a critically low level, thus, it is cleared that in order to determine a critically low level of the storage device 18, the data management 44 must determine a remaining amount of the image memory means 18 is not sufficient for recording the image captured by the camera 12 during the photographing mode as claimed; see col. 6, lines 15+ and col. 10, lines 24+);

communicating means (Figs. 1 and 5, the element 70) for automatically transmitting the image signal stored in said image memory means when a predetermined condition (i.e., when the available space in the data storage device 18 reaches a critically low level; see col. 10, lines 25+) is satisfied so as to enable a new image signal to be stored into said image memory means (col. 7, lines 55+ and col. 10, lines 23+).

Swanson '442 discloses a computer readable recording medium in which a program to execute by the computer has been recorded (see Figs. 1; the elements 73, 44 and 18), wherein said program comprises the steps of: storing an image signal photographed by image pickup means into image memory means (i.e., Fig. 1; col. 3, lines 50+).

Furthermore, it is noted that Swanson '442 does not explicitly state that the photographing mode of the image pickup means specifies the size of the image signal as amended in present claimed invention.

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However, it is noted that the above-mentioned claimed limitations are well-known in the art as evidenced by Roberts '219. In particular, Roberts '219 discloses a computer readable recording medium (Fig. 2) in which a program to be executed by the computer (20) has been recorded, wherein said program comprises the photographing mode of the image pickup means specifies the size of the image signal (i.e., noted the photographing mode, such that High, Med or low mode is set to specifies the size of the image captured by the image pickup means as shown in Figs. 2 and 2A; col. 5, lines 20+, and col. 9, lines 30+).

In view of this, it would have been obvious to one having been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Swanson '442 as taught by Roberts '219 so that proper decompression may be executed based on the size of the image as suggested by Roberts '219 (i.e., see col. 5, lines 50+ and col. 8, lines 30+ of Roberts '219).

Regarding claim 2, Swanson '442 discloses further comprising image selecting means (i.e., see col. 6, lines 18+) for selecting an image signal from said image memory means (18) on the basis of a predetermined selecting condition (i.e., col. 6, lines 20+ and col. 10, lines 23+ of Swanson '442), and wherein said communicating means (i.e., the element 70) transmits said selected image signal (i.e., col. 7, lines 60+ and col. 10, lines 24+ of Swanson '442).

Regarding claim 3, Swanson '442 discloses wherein said predetermined selecting condition is a condition to select an old one of said stored image signals, and further comprising

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managing means (44/10) for managing photographing times of said image signals for the purpose of said condition (i.e., col. 6, lines 25-65).

Regarding claim 7, Swanson '442 discloses further comprising marking means (i.e., Noted the use of a timer 45) for adding a mark to the image signal which is outputted from said image pickup means (12), and wherein said predetermined selecting condition relates to the presence or absence of said marking (i.e., noted from the col. 6, lines 20+ of Swanson '442 that in order to free-up space in the memory 18, the image stored in the memory 18 may be flagged with time data, so that the image presence with older time flags may be selected for transmitting to the remote storage 92).

Regarding claim 8, Swanson '442 discloses wherein said communicating means is wireless communicating means (i.e., col. 10, lines 5+ of Swanson '442).

**Regarding claim 9**, Swanson '442 discloses an image processing method comprising the steps of:

storing a photographed image signal photographed by image pickup means (12) into image memory means (i.e., Figs. 1 and 5; col. 3, lines 50+);

automatically selecting the photographed image signal when photographing is impossible in a photographing mode of said image pickup means (12) because a required amount of said image memory means (18) for photographing in said photographing mode is not available (i.e., the data management device 44 is capable of automatically selecting the stored image data from the memory 18 for transmitting if available space in the data storage device 18 reaches a

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critically low level, thus, it is cleared that in order to determine a critically low level of the storage device 18, the data management 44 must determine a remaining amount of the image memory means 18 is not sufficient for recording the image captured by the camera 12 during the photographing mode as claimed; see col. 6, lines 15+ and col. 10, lines 24+); and

automatically transmitting the image signal stored in said image memory means so as to enable a new image signal to be stored into said image memory means (i.e., col. 6, lines 20+ and col. 7, lines 60+ and col. 10, lines 24+).

Furthermore, it is noted that Swanson '442 does not explicitly state that the photographing mode of the image pickup means specifies the size of a new image signal to be photographed as amended in present claimed invention.

However, it is noted that the above-mentioned claimed limitations are well-known in the art as evidenced by Roberts '219. In particular, Roberts '219 discloses a computer readable recording medium (Fig. 2) in which a program to be executed by the computer (20) has been recorded, wherein the photographing mode of the image pickup means specifies the size of the new image signal to be photographed based on the mode switch set by the user before capturing the image (i.e., noted the photographing mode, such that High, Med or low mode is allowed to set to specifies the size of the new image captured by the image pickup means by the user before the image data are stored in the storage medium 50 as shown in Figs. 2 and 2A; col. 5, lines 20+, and col. 9, lines 30+).

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In view of this, it would have been obvious to one having been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Swanson '442 as taught by Roberts '219 so that proper decompression may be executed based on the size of the image as suggested by Roberts '219 (i.e., see col. 5, lines 50+ and col. 8, lines 30+ of Roberts '219).

**Regarding claim 10**, Swanson '442 discloses a computer readable recording medium in which a program to execute a procedure by the computer has been recorded (Figs. 1 and 5, the elements' 44, 73; col. 6, lines 15+ and col. 7, lines 15+), wherein said procedure comprises the steps of:

storing a photographed image signal photographed by image pickup means (12) into image memory means (i.e., col. 6, lines 15+);

automatically selecting an image signal when photographing is impossible in a photographing mode of said image pickup means because a required amount of said image memory means for the photographing in said photographing mode is not available (i.e., the data management device 44 is capable of automatically selecting the stored image data from the memory 18 for transmitting if available space in the data storage device 18 reaches a critically low level, thus, it is cleared that in order to determine a critically low level of the storage device 18, the data management 44 must determine a remaining amount of the image memory means



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(18) is not sufficient for recording the image captured by the camera 12 during the photographing mode as claimed; see col. 6, lines 15+ and col. 10, lines 24+); and

automatically transmitting the image signal stored in said image memory means so as to enable a new image signal to be stored into said image memory means (i.e., col. 6, lines 20+ and col. 7, lines 60+ and col. 10, lines 24+).

Furthermore, it is noted that Swanson '442 does not explicitly state that the photographing mode of the image pickup means specifies the size of a new image signal to be photographed as amended in present claimed invention.

However, it is noted that the above-mentioned claimed limitations are well-known in the art as evidenced by Roberts '219. In particular, Roberts '219 discloses a computer readable recording medium (Fig. 2) in which a program to be executed by the computer (20) has been recorded, wherein the photographing mode of the image pickup means specifies the size of the new image signal to be photographed based on the mode switch set by the user before capturing the image (i.e., noted the photographing mode, such that High, Med or low mode is allowed to set to specifies the size of the new image captured by the image pickup means by the user before the image data are stored in the storage medium 50 as shown in Figs. 2 and 2A; col. 5, lines 20+, and col. 9, lines 30+).

In view of this, it would have been obvious to one having been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Swanson '442 as taught by Roberts '219 so that proper decompression may be executed based on the size of the

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image as suggested by Roberts '219 (i.e., see col. 5, lines 50+ and col. 8, lines 30+ of Roberts '219).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson '442 in view of Roberts '219 and further in view of Sono (U.S. 5,829,044).

**Regarding claim 4**, it is clear from the teaching of Swanson '442 that the controller (i.e., the control processor 10) is capable of managing the data access frequencies of the stored image signals from the memory means (18) when the image data are either accessed or written from the image memory means (18) for the purpose of selecting or transmitting to the remote storage (92) to free up the image memory space for the new image data to be stored therein (i.e., see col. 6, lines 15+, col. 7, lines 15+ and col. 11, lines 2+).

In addition, although Swanson '442 does not explicitly state that the image data stored in the image memory means is selected for transmitting based on the determination that an accessing frequency of the stored image is small. In other word, the images are not view or use frequently may be selected and transmitted to free up the storage capacity of the image memory means. Such limitations are considered obvious over the teaching of Swanson '442. For example, the sole purpose for transmitting the selected image data from the image memory (18) to the remote storage means (92) is to increase the storage capacity of the image memory means (18) at the camera unit (i.e., see col. 10, lines 25+ of Swanson '442) by removing the age or staleness of the images stored at the storage means (18), thus, it is obvious that if the image

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memory means (18) is mainly occupied with the age or staleness images in which are never accessed for viewing (i.e., less frequency), the image memory means (24) may be hindered to store the new captured image data into the image memory means (24).

In order to overcome the above-mentioned problem, an obvious solution is to remove (i.e., transmit) the less frequently used or access image form the image memory (18) and this is clearly well-known in the art as evidenced by Sono '044. In particular, Sono '044 clearly teaches that it is conventionally well-known in the art to use managing means for managing accessing frequencies of the stored image signals (i.e., see Figs. 2 and 3; col. 5, lines 30+) so that this information may be used to secure the empty area in the storage means by selecting a condition in which an accessing frequency is small from the stored data signals (i.e., col. 7, lines 5-25).

Therefore, having the system of Swanson '442 in which clearly suggested that the selected images stored in the image memory means (18) may be transmitted for freeing up the age or staleness of the image data from the memory space for the new image data to be stored therein (i.e., see col. 6, lines 16+ and col. 7, lines 55+ of Swanson '442) and then given the well-established teaching of Sono '044 for selecting a data with less accessing frequency to secure the empty area in the storage means, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Swanson '442 by providing managing means as taught by Sono '044 to select an image signal in which an access frequency is small (i.e., the image data previously stored in the image memory is least recently accessed) from the stored image signals and this would allow the camera user to take as many pictures as

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desired without worrying about running out of image memory capacity by conveniently securing the empty area in the storage means as suggested by Sono '044.

*Allowable Subject Matter*

5. Claims 5 and 6 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

6. Claims 30 and 31-32 are allowed.

*Conclusion*

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

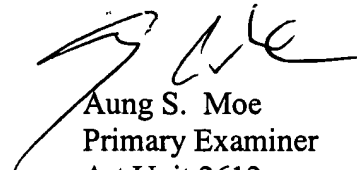
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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung S. Moe whose telephone number is 703-306-3021. The examiner can normally be reached on Mon-Fri (9-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on 703-305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Aung S. Moe  
Primary Examiner  
Art Unit 2612

A. Moe  
May 15, 2004